

# ORIGINAL

29  
10/30/01  
JC

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

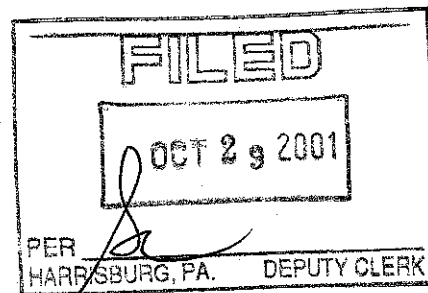
JASON TRAVIS STEVENS,  
Plaintiff

 $\dot{V}_s$ 

KATHLEEN M. HAWK-SAWYER, et al.,  
Defendants

Civil No. 1:CV-01-0907

(Judge Kane)



EXHIBITS TO BRIEF IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS

MARTIN C. CARLSON  
United States Attorney

JOSEPH J. TERZ  
Assistant United States Attorney

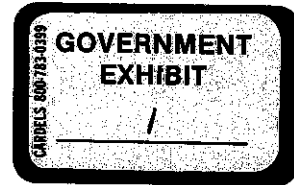
ANITA L. LIGHTNER  
Paralegal Specialist  
228 Walnut Street, 2<sup>nd</sup> Floor  
P.O. Box 11754  
Harrisburg, PA 17108-1754  
(717) 221-4482

Dated:      October 29, 2001

I N D E X

Declaration of Bencie Tewolde . . . . .	Exh.1
SENTRY Report, Administrative Remedy Generalized Retrieval . . . . .	Enclosure 1
SENTRY Report, Inmate Discipline Data, Chronological Disciplinary Record . . . . .	Enclosure 2
SENTRY Report, Quarters . . . . .	Enclosure 3
SENTRY Report, Sentence Monitoring Computation Data . . . . .	Enclosure 4
Response to tort claim, dated November 8, 2000 . . . . .	Exh.2
Response to request for investigation and recommendation, dated February 22, 2001 . . . . .	Exh.3
Denial of tort claim, dated March 26, 2001 . . . . .	Exh.4
Request for reconsideration, dated April 22, 2001 . . . . .	Exh.5
Acknowledgment of request for reconsideration, dated May 5, 2001 . . . . .	Exh.6

# **EXHIBIT - 1**



UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JASON TRAVIS STEVENS

Plaintiff

v.

KATHLEEN M.HAWK-SAWYER,at al.

Defendants

:  
:  
:  
:  
:  
:  
:  
:  
:

Civil No. 1:CV-01-0907  
(Kane, J.)

DECLARATION OF BANCI E. TEWOLDE

I, BANCI E. TEWOLDE, do declare and state as follows:

1. I am an attorney advisor, employed by the United States Department of Justice, Federal Bureau of Prisons, and I am assigned to the Federal Correctional Complex (FCC), Allenwood, Pennsylvania. I have been employed with the Federal Bureau of Prisons since August 12, 2001 and I have been assigned to FCC Allenwood since August 12, 2001. As a result of my position, I have access to Bureau of Prisons files maintained in the ordinary course of business on inmates incarcerated at FCC-Allenwood.
2. I have reviewed the complaint filed by the Plaintiff, inmate Jason Travis Stevens, Register Number 10182-036, in which he essentially alleges that staff created an unsafe, unsanitary living conditions and endangered his safety and life in violation of the Eighth Amendment to the U.S. Constitution.
3. The Plaintiff is currently serving a sentence of imprisonment of one hundred and sixteen months, a sixty month term of supervision, a one hundred dollar (\$100.00) felony


assessment for "Felon in Possession of a Firearm" in violation of 18 U.S.C. 922 (G)(1) and consecutive prison term for "False Claims" in violation of 18 U.S.C. 287.

4. The Plaintiff first arrived at United States Penitentiary ("USP"), Allenwood on February 19, 1998. On October 19, 2000, Plaintiff was transferred from USP Allenwood to Metropolitan Detention Center ("MDC"), Brooklyn, New York.
5. The Bureau of Prisons has established an administrative remedy procedure through which an inmate can seek formal review of any complaint regarding any aspect of his imprisonment. In order to exhaust appeals under the Administrative Remedy Procedure for inmates, an inmate must first raise his complaint to the warden of the institution where he is confined. He may then further appeal an adverse decision to the Regional Director and Central Office of the Federal Bureau of Prisons. See 28 C.F.R. § 542, et seq. No administrative remedy appeal is considered to have been finally exhausted until it has been denied by the Bureau of Prisons' Central Office.
6. In the ordinary course of business, computerized indexes of all administrative appeals filed by inmates are maintained by the Regional and Central Offices so that rapid verification may be made as to whether an inmate has exhausted administrative appeals on a particular issue.
7. On September 4, 2001, I conducted a search of the records to determine whether or not the Plaintiff had exhausted available administrative remedies regarding the issues he raised in his complaint. This review has revealed that the Plaintiff has **failed** to exhaust all available

administrative remedies before filing this action. Attached hereto as Enclosure 1 is a true and correct copy of the Administrative Remedy Generalized Retrieval information for the Plaintiff printed from the Bureau of Prisons' SENTRY computer systems.

8. Attached hereto is Enclosure 2, is a true and correct copy of the Inmate Discipline Data for the Plaintiff printed from the Bureau of Prisons' SENTRY computer system.
9. Attached hereto as Enclosure 3, is a true and correct copy of the Inmate History-Quarters information for the Plaintiff printed from the Bureau of Prisons' SENTRY computer systems.
10. Attached hereto as Enclosure 4, is a true and correct copy of the Sentencing Monitoring Computation Data for the Plaintiff printed from the Bureau of Prisons' SENTRY computer system.

I declare that any and all records attached to this declaration are true and accurate copies maintained in the ordinary course of business by the Federal Bureau of Prisons. I further declare that the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. §1746.

  
Banci E. Tewolde  
Attorney Advisor  
FCC-Allenwood

Oct. 3 2001  
Date

ALFDC \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \* 09-04-2001  
PAGE 001 OF 001 12:49:26  
FUNCTION: LST SCOPE REG EQ 10182-036 OUT T FORMAT: SINGLE  
-----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----  
DT RCV: FROM \_\_\_\_\_ THRU \_\_\_\_\_ DT STS: FROM \_\_\_\_\_ THRU \_\_\_\_\_  
DT STS: FROM \_\_\_\_\_ TO \_\_\_\_\_ DAYS BEFORE "OR" FROM \_\_\_\_\_ TO \_\_\_\_\_ DAYS AFTER DT RDU  
DT TDU: FROM \_\_\_\_\_ TO \_\_\_\_\_ DAYS BEFORE "OR" FROM \_\_\_\_\_ TO \_\_\_\_\_ DAYS AFTER DT TRT  
STS/REAS: \_\_\_\_\_  
SUBJECTS: \_\_\_\_\_  
EXTENDED: \_\_\_\_\_ REMEDY LEVEL: \_\_\_\_\_ RECEIPT: \_\_\_\_\_ "OR" EXTENSION: \_\_\_\_\_  
RCV OFC : EQ \_\_\_\_\_  
TRACK: DEPT: \_\_\_\_\_  
PERSON: \_\_\_\_\_  
TYPE: \_\_\_\_\_  
EVNT FACL: EQ \_\_\_\_\_  
RCV FACL.: EQ \_\_\_\_\_  
RCV UN/LC: EQ \_\_\_\_\_  
RCV QTR.: EQ \_\_\_\_\_  
ORIG FACL: EQ \_\_\_\_\_  
ORG UN/LC: EQ \_\_\_\_\_  
ORIG QTR.: EQ \_\_\_\_\_

G5152

NO REMEDY DATA EXISTS FOR THIS INMATE

Enclosure 1

ALFDC  
PAGE 001\* INMATE DISCIPLINE DATA  
\* CHRONOLOGICAL DISCIPLINARY RECORD\* 09-04-2001  
\* 12:47:49REGISTER NO: 10182-036 NAME.: STEVENS, JASON TRAVIS  
FUNCTION....: PRT FORMAT: CHRONO LIMIT TO \_\_\_\_ MOS PRIOR TO 09-04-2001-----  
REPORT NUMBER/STATUS.: 898732 - SANCTIONED INCIDENT DATE/TIME: 07-04-2001 1305  
DHO HEARING DATE/TIME: 08-23-2001 1510  
FACL/CHAIRPERSON.....: BRO/COOPER  
REPORT REMARKS.....: INMATE ADMITTED THAT THE INTOXICANTS WAS HIS AND TWO  
OTHER INMATES222 POSSESSING INTOXICANTS - FREQ: 1  
DIS GCT / 27 DAYS / CS  
COMP:010 LAW:P 27 DAYS DISALLOWANCE OF GCT  
DS / 30 DAYS / CS  
COMP: LAW: 30 DAYS DISCIPLINARY SEGREGATION FROM 08-23-2001  
TO 09-21-2001-----  
REPORT NUMBER/STATUS.: 758301 - SANCTIONED INCIDENT DATE/TIME: 02-24-2000 0654  
DHO HEARING DATE/TIME: 03-08-2000 0855  
FACL/CHAIRPERSON.....: ALP/CERNEY  
REPORT REMARKS.....: ADMITTED305 POSSESSING UNAUTHORIZED ITEM - FREQ: 1  
MON REST / 19.75 DOLLARS / CS  
COMP: LAW: FOR FOOD SERVICE ITEMS/COOKED MEAT-----  
REPORT NUMBER/STATUS.: 758300 - SANCTIONED INCIDENT DATE/TIME: 02-24-2000 0451  
DHO HEARING DATE/TIME: 03-08-2000 0850  
FACL/CHAIRPERSON.....: ALP/CERNEY  
REPORT REMARKS.....: ADMITTED321 INTERFERING WITH TAKING COUNT - FREQ: 1  
DS / 15 DAYS / CS  
COMP: LAW:  
FF NVGCT / 12 DAYS / CS  
COMP:010 LAW:P-----  
REPORT NUMBER/STATUS.: 758299 - SANCTIONED INCIDENT DATE/TIME: 02-24-2000 0530  
DHO HEARING DATE/TIME: 03-08-2000 0845  
FACL/CHAIRPERSON.....: ALP/CERNEY  
REPORT REMARKS.....: ADMITTED222 POSSESSING INTOXICANTS - FREQ: 3  
DIS GCT / 27 DAYS / CS  
COMP:010 LAW:P  
DS / 45 DAYS / CS  
COMP: LAW:  
FF NVGCT / 27 DAYS / CS  
COMP:010 LAW:P  
LP COMM / 60 DAYS / CS  
COMP: LAW: THROUGH 05-06-2000

G0002 MORE PAGES TO FOLLOW . . .

Enclosure 2



ALFDC \* INMATE DISCIPLINE DATA \* 09-04-2001  
PAGE 002 OF 002 \* CHRONOLOGICAL DISCIPLINARY RECORD \* 12:47:49

REGISTER NO: 10182-036 NAME.: STEVENS, JASON TRAVIS  
FUNCTION...: PRT FORMAT: CHRONO LIMIT TO \_\_\_ MOS PRIOR TO 09-04-2001

DHO HEARING DATE/TIME: 03-08-2000 0845 REPORT 758299 CONTINUED

LP PHONE / 60 DAYS / CS  
COMP: LAW: THROUGH 05-06-2000  
LP VISIT / 60 DAYS / CS  
COMP: LAW: THROUGH 05-06-2000

-----  
REPORT NUMBER/STATUS.: 726117 - SANCTIONED INCIDENT DATE/TIME: 10-27-1999 1845

DHO HEARING DATE/TIME: 11-08-1999 0845

FACL/CHAIRPERSON.....: ALP/CERNEY

REPORT REMARKS.....: DENIES INTOXICANTS FOUND IN HIS LOCKED LOCKER

222 POSSESSING INTOXICANTS - FREQ: 2  
DIS GCT / 27 DAYS / CS  
COMP:010 LAW:P  
DS / 21 DAYS / CS  
COMP: LAW:  
LP PHONE / 60 DAYS / CS  
COMP: LAW: THROUGH 01-06-2000

-----  
REPORT NUMBER/STATUS.: 726115 - SANCTIONED INCIDENT DATE/TIME: 10-27-1999 1850

UDC HEARING DATE/TIME: 11-02-1999 1350

FACL/UDC/CHAIRPERSON..: ALP/III/G. GALICK

REPORT REMARKS.....: INMATE ADMITTED TO POSSESSION OF TATTOOING PARAPHERNALIA

305 POSSESSING UNAUTHORIZED ITEM - FREQ: 1  
LP VISIT / 60 DAYS / CS  
COMP: LAW: 60 DAYS LOSS OF VISITING PRIVILEGES.

-----  
REPORT NUMBER/STATUS.: 722195 - SANCTIONED INCIDENT DATE/TIME: 10-15-1999 1240

DHO HEARING DATE/TIME: 10-25-1999 0850

FACL/CHAIRPERSON.....: ALP/CERNEY

REPORT REMARKS.....: ADMITTED INTOXICANT POSSESSION.

222 POSSESSING INTOXICANTS - FREQ: 1  
DIS GCT / 27 DAYS / CS  
COMP:010 LAW:P  
LP COMM / 90 DAYS / CS  
COMP: LAW: THROUGH 1/24/00.

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

ALFDC 531.01 \*  
PAGE 001 \*INMATE HISTORY  
QUARTERS\* 09-04-2001  
\* 12:44:49REG NO.: 10182-036 NAME: STEVENS, JASON TRAVIS  
CATEGORY: QTR FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
BRO	S01-001L	HOUSE S/RANGE 01/BED 001L	09-04-2001 1109	CURRENT
BRO	K07-815L	HOUSE K/RANGE 07/BED 815L	08-27-2001 2243	09-04-2001 1109
BRO	Z05-918UAD	HOUSE Z/RANGE 05/BED 918U AD	08-16-2001 1545	08-27-2001 2243
BRO	R01-001L	HOUSE R/RANGE 01/BED 001L	08-15-2001 1800	08-16-2001 1545
ATL	J04-430L	HOUSE J/RANGE 04/BED 430L	07-24-2001 2338	07-25-2001 0841
ATL	R01-001L	HOUSE R/RANGE 01/BED 001L	07-24-2001 1941	07-24-2001 2338
OKL	Z02-711LAD	HOUSE Z/RANGE 02/BED 711L AD	07-18-2001 1432	07-24-2001 0930
OKL	R01-001L	HOUSE R/RANGE 01/BED 001L	07-18-2001 0945	07-18-2001 1432
SPG	10-E	WARD 10-E	07-05-2001 0912	07-18-2001 0415
SPG	10-F	WARD 10-F	06-15-2001 0936	07-05-2001 0912
SPG	10-G	WARD 10-G	06-07-2001 1348	06-15-2001 0936
SPG	10-E	WARD 10-E	05-24-2001 0932	06-07-2001 1348
SPG	10-E	WARD 10-E	05-24-2001 0930	05-24-2001 0931
OKL	Z01-706LAD	HOUSE Z/RANGE 01/BED 706L AD	05-18-2001 2119	05-24-2001 0430
OKL	R01-001L	HOUSE R/RANGE 01/BED 001L	05-18-2001 1755	05-18-2001 2119
ATL	J04-403L	HOUSE J/RANGE 04/BED 403L	10-23-2000 2004	10-25-2000 0613
ATL	R01-001L	HOUSE R/RANGE 01/BED 001L	10-23-2000 1853	10-23-2000 2004
LEW	Z09-323UAD	HOUSE Z/RANGE 09/BED 323U AD	10-19-2000 2200	10-23-2000 0845
LEW	Z05-113LAD	HOUSE Z/RANGE 05/BED 113L AD	10-19-2000 2121	10-19-2000 2200
LEW	R01-001L	HOUSE R/RANGE 01/BED 001L	10-19-2000 1952	10-19-2000 2121
ALP	R01-001L	HOUSE R/RANGE 01/BED 001L	10-19-2000 1532	10-19-2000 1739
ALP	Z03-205UAD	HOUSE Z/RANGE 03/BED 205U AD	10-08-2000 1230	10-19-2000 1532
ALP	Z03-209UAD	HOUSE Z/RANGE 03/BED 209U AD	09-17-2000 1059	10-08-2000 1230
ALP	Z03-205UAD	HOUSE Z/RANGE 03/BED 205U AD	08-27-2000 0849	09-17-2000 1059
ALP	Z03-202UAD	HOUSE Z/RANGE 03/BED 202U AD	08-06-2000 1708	08-27-2000 0849
ALP	Z03-201UAD	HOUSE Z/RANGE 03/BED 201U AD	08-02-2000 1750	08-06-2000 1708
ALP	Z03-217UAD	HOUSE Z/RANGE 03/BED 217U AD	07-29-2000 1008	08-02-2000 1750
ALP	Z03-223UAD	HOUSE Z/RANGE 03/BED 223U AD	07-23-2000 1158	07-29-2000 1008
ALP	Z03-225UAD	HOUSE Z/RANGE 03/BED 225U AD	07-02-2000 1012	07-23-2000 1158
ALP	Z03-217UAD	HOUSE Z/RANGE 03/BED 217U AD	06-22-2000 1116	07-02-2000 1012
ALP	Z03-214LAD	HOUSE Z/RANGE 03/BED 214L AD	06-04-2000 0909	06-22-2000 1116
ALP	Z03-215LAD	HOUSE Z/RANGE 03/BED 215L AD	05-14-2000 1046	06-04-2000 0909
ALP	Z03-216LAD	HOUSE Z/RANGE 03/BED 216L AD	05-05-2000 1419	05-14-2000 1046
ALP	Z06-105LDS	HOUSE Z/RANGE 06/BED 105L DS	04-23-2000 0846	05-05-2000 1419
ALP	Z06-103LDS	HOUSE Z/RANGE 06/BED 103L DS	04-02-2000 1011	04-23-2000 0846
ALP	Z06-102LDS	HOUSE Z/RANGE 06/BED 102L DS	03-27-2000 2351	04-02-2000 1011
ALP	Z06-101LDS	HOUSE Z/RANGE 06/BED 101L DS	03-24-2000 1403	03-27-2000 2351
ALP	H01-002L	HOUSE H/RANGE 01/BED 002L	03-22-2000 1404	03-24-2000 1403
ALP	Z06-112LDS	HOUSE Z/RANGE 06/BED 112L DS	03-19-2000 0924	03-22-2000 1404
ALP	Z06-106UDS	HOUSE Z/RANGE 06/BED 106U DS	03-15-2000 1519	03-19-2000 0924
ALP	H01-004L	HOUSE H/RANGE 01/BED 004L	03-14-2000 1411	03-15-2000 1519

G0002

MORE PAGES TO FOLLOW . . .

Enclosure 3

ALFDC 531.01 \*  
PAGE 002 OF 002 \*

INMATE HISTORY  
QUARTERS

\* 09-04-2001  
\* 12:44:49

REG NO...: 10182-036 NAME....: STEVENS, JASON TRAVIS  
CATEGORY: QTR FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
ALP	Z06-106UDS	HOUSE Z/RANGE 06/BED 106U DS	03-09-2000 2014	03-14-2000 1411
ALP	Z01-125LAD	HOUSE Z/RANGE 01/BED 125L AD	02-25-2000 0224	03-09-2000 2014
ALP	Z01-119LAD	HOUSE Z/RANGE 01/BED 119L AD	02-24-2000 0519	02-25-2000 0224
ALP	C04-209L	HOUSE C/RANGE 04/BED 209L	11-18-1999 1523	02-24-2000 0519
ALP	Z08-205LDS	HOUSE Z/RANGE 08/BED 205L DS	11-08-1999 1518	11-18-1999 1523
ALP	C04-209L	HOUSE C/RANGE 04/BED 209L	10-25-1999 0935	11-08-1999 1518
ALP	C03-115L	HOUSE C/RANGE 03/BED 115L	10-15-1999 1436	10-25-1999 0935
ALP	Z03-213UAD	HOUSE Z/RANGE 03/BED 213U AD	10-15-1999 1423	10-15-1999 1436
ALP	C03-115L	HOUSE C/RANGE 03/BED 115L	09-23-1999 1107	10-15-1999 1423
ALP	Z03-226UAD	HOUSE Z/RANGE 03/BED 226U AD	09-14-1999 1433	09-23-1999 1107
ALP	Z01-125LAD	HOUSE Z/RANGE 01/BED 125L AD	09-13-1999 1310	09-14-1999 1433
ALP	Z01-109LAD	HOUSE Z/RANGE 01/BED 109L AD	09-10-1999 2053	09-13-1999 1310
ALP	C03-115U	HOUSE C/RANGE 03/BED 115U	08-27-1999 1357	09-10-1999 2053
ALP	Z01-105UAD	HOUSE Z/RANGE 01/BED 105U AD	08-15-1999 1348	08-27-1999 1357
ALP	Z01-123LAD	HOUSE Z/RANGE 01/BED 123L AD	08-02-1999 2059	08-15-1999 1348
ALP	Z03-217LAD	HOUSE Z/RANGE 03/BED 217L AD	07-25-1999 1317	08-02-1999 2059
ALP	Z03-201UAD	HOUSE Z/RANGE 03/BED 201U AD	07-19-1999 0359	07-25-1999 1317
ALP	Z03-201LAD	HOUSE Z/RANGE 03/BED 201L AD	07-19-1999 0357	07-19-1999 0359
ALP	C04-215L	HOUSE C/RANGE 04/BED 215L	07-01-1999 1959	07-19-1999 0357
ALP	C04-209L	HOUSE C/RANGE 04/BED 209L	06-02-1999 1312	07-01-1999 1959
ALP	C04-209U	HOUSE C/RANGE 04/BED 209U	05-27-1999 1749	06-02-1999 1312
ALP	C04-203U	HOUSE C/RANGE 04/BED 203U	05-27-1999 1702	05-27-1999 1749
OTV	ADM DET	ADMIN DETENTION	05-12-1999 2000	05-27-1999 1025
OTV	R&D	RECEIVING AND DISCHARGE	05-12-1999 1717	05-12-1999 2000
ATL	DCU 3-71	DET. CTR. 2ND FLOOR CELL 3-71	04-19-1999 2018	04-21-1999 0843
ATL	R/D	R/D OUT COUNT	04-19-1999 1808	04-19-1999 2018
LEW	Z02-233LAD	HOUSE Z/RANGE 02/BED 233L AD	04-15-1999 2256	04-19-1999 0839
LEW	Z01-115LAD	HOUSE Z/RANGE 01/BED 115L AD	04-15-1999 2053	04-15-1999 2256
LEW	R01-001L	HOUSE R/RANGE 01/BED 001L	04-15-1999 1856	04-15-1999 2053
ALP	R01-001L	HOUSE R/RANGE 01/BED 001L	04-15-1999 1437	04-15-1999 1730
ALP	C03-101L	HOUSE C/RANGE 03/BED 101L	03-16-1999 1513	04-15-1999 1437
ALP	C03-129U	HOUSE C/RANGE 03/BED 129U	01-06-1999 0921	03-16-1999 1513
ALP	C03-114U	HOUSE C/RANGE 03/BED 114U	12-30-1998 1510	01-06-1999 0921
ALP	C03-121U	HOUSE C/RANGE 03/BED 121U	12-30-1998 1443	12-30-1998 1510
ALP	C03-114L	HOUSE C/RANGE 03/BED 114L	05-20-1998 1100	12-30-1998 1443
ALP	IIIB-114L	UNIT IIIB, ROOM 114 LOWER BUNK	03-30-1998 1106	05-20-1998 1100
ALP	IIIB-122U	UNIT IIIB, ROOM 122 UPPER BUNK	03-09-1998 1303	03-30-1998 1106
ALP	IIIB-228U	UNIT IIIB, ROOM 228 UPPER BUNK	02-20-1998 1020	03-09-1998 1303
ALP	ADM DET	ADMINISTRATIVE DETENTION	02-19-1998 1332	02-20-1998 1020
OTV	ADM DET	ADMIN DETENTION	02-12-1998 1840	02-19-1998 0919
OTV	R&D	RECEIVING AND DISCHARGE	02-12-1998 1620	02-12-1998 1840

G0000

TRANSACTION SUCCESSFULLY COMPLETED

ALFDC 540\*23 \*  
PAGE 001 \*

SENTENCE MONITORING  
COMPUTATION DATA  
AS OF 09-04-2001

\* 09-04-2001  
\* 12:45:42

REGNO...: 10182-036 NAME: STEVENS, JASON TRAVIS

FBI NO.....: 548858K2  
ARS1.....: ALP/FED WRIT  
UNIT.....: G  
DETAINERS.....: NO

DATE OF BIRTH: 02-06-1955  
ARS2.....: BRO/A-BOP HLD  
QUARTERS.....: S01-001L  
NOTIFICATIONS: NO

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.  
THE INMATE IS PROJECTED FOR RELEASE: 01-29-2006 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: MAINE  
DOCKET NUMBER.....: 1:97CR45  
JUDGE.....: BRODY  
DATE SENTENCED/PROBATION IMPOSED: 01-22-1998  
DATE COMMITTED.....: 02-19-1998  
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE.....: 136  
OFF/CHG: COUNT 1: FELON IN POSSESSION OF A FIREARM / 18 USC 922(G)(1)

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE.: 140 MONTHS  
TERM OF SUPERVISION.....: 60 MONTHS  
NEW SENTENCE IMPOSED.....: 116 MONTHS  
BASIS FOR CHANGE.....: RULE 35 GOVERNMENT APPEAL  
CLASS OF OFFENSE.....: CLASS A FELONY  
DATE OF OFFENSE.....: 06-09-1997

G0002 MORE PAGES TO FOLLOW . . .

Enclosure 4

ALFDC 540\*23 \*  
PAGE 002 OF 002 \*

SENTENCE MONITORING  
COMPUTATION DATA  
AS OF 09-04-2001

\* 09-04-2001  
\* 12:45:42

REGNO...: 10182-036 NAME: STEVENS, JASON TRAVIS

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 03-09-2000 AT ALP AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....:	01-22-1998	
TOTAL TERM IN EFFECT.....:	116 MONTHS	
TOTAL TERM IN EFFECT CONVERTED...:	9 YEARS	8 MONTHS
JAIL CREDIT.....:	FROM DATE	THRU DATE
	06-09-1997	01-21-1998

TOTAL PRIOR CREDIT TIME.....: 227  
TOTAL INOPERATIVE TIME.....: 0  
TOTAL GCT POSSIBLE.....: 373  
TOTAL GCT AWARDED.....: 123  
STATUTORY RELEASE DATE (CURRENT): 10-06-2006  
SIX MONTH /10% DATE.....: 07-29-2005  
EXPIRATION FULL TERM DATE.....: 02-06-2007

PROJECTED SATISFACTION DATE.....: 01-29-2006  
PROJECTED SATISFACTION METHOD....: GCT REL

REMARKS.....: AMENDED JUDGMENT DATED 05-04-1999; REDUCED SENTENCE FROM 140  
MONTHS TO 116 MONTHS.

S0055

NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE

## **EXHIBIT - 2**

OCT-11-01 THU 07:44 AM

ALLENWOOD LEGAL SERVICES

FAX NO. 17175476458



U.S. Department of Justice

Federal Bureau of Prisons

U.S. Penitentiary, Allenwood



White Deer, PA 17887-3500

November 8, 2000

## MEMORANDUM FOR MIKE SULLIVAN, SUPERVISORY ATTORNEY

FROM:

  
Ronald A. Laino, HSA

SUBJECT:

TRT-NER-2000-02960  
STEVENS, Jason  
Reg. No. 10182-036NOV 14 2000  
2:09 PM - 9 AM 1:50  
COMMUNICATIONS

This is in response to the tort claim filed by the above named inmate in which he claims \$5,000.00 in personal injury. Specifically, he alleges that he fractured his right foot while attempting to climb from the third bunk.

A review of his medical record reveals that on August 16, 2000, inmate Stevens advised the Physician Assistant that he injured his right foot the day prior at approximately 6:00 a.m. while climbing down the ladder from his bunk.

An examination showed swelling and tenderness of the right foot with decreased range of motion secondary to the pain. A radiograph was taken and showed a probable fracture. Treatment consisted of an Ace wrap, elevation, and ice applied to the area.

The radiographs were taken to the Orthopaedic Surgeon on August 17, 2000, for further review. His recommendation was to place the foot in a splint and follow-up with the consultant Orthopaedist on the next clinic. On September 19, 2000, he was re-evaluated by the Orthopaedic Surgeon. His impression was that inmate Stevens had a slightly comminuted fracture at the base of his fifth metatarsal which remained in good position. He was neurologically intact and range of motion of the ankle was normal. His treatment recommendations were to remove the wooden shoe and replace it with a Swedo brace. He further encouraged him to continue his ambulation.

Inmate Stevens did receive a fracture of his right foot; however the mechanism of injury is uncertain, which he alleges was secondary to climbing down the ladder and his foot slipped. Inmate Stevens received medical care commensurate with community standards and was further evaluated by an Orthopaedic Surgeon. Therefore, I am recommending that his tort claim be denied.

## **EXHIBIT - 3**



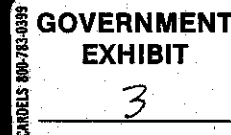
OCT-11-01 THU 07:43 AM ALLENWOOD LEGAL SERVICES FAX NO. 17175476458



U.S. Department of Justice

Federal Bureau of Prisons

U. S. Penitentiary, Allenwood



White Deer, PA 17887-3500

February 22, 2001

MEMORANDUM FOR HENRY J. SADOWSKI, REGIONAL COUNSEL  
NORTHEAST REGION

FROM:

Jake Mendez, Warden

SUBJECT:

IRT-NER-2001-02960  
STEVENS, Jason  
Register No. 10182-036

This is in response to your request for an investigation and recommendation on the above-referenced administrative tort claim. In his claim, inmate Stevens, Jason - Reg. No. 10182-036, alleges that on August 15, 2000, he sustained a personal injury when he attempted to climb off the third bunk in the Special Housing Unit at the United States Penitentiary (USP), Allenwood. Inmate Stevens seeks \$5,000.00 in compensation from the United States.

An investigation of this matter reveals that inmate Stevens arrived at USP Allenwood on May 27, 1999. Inmate Stevens was immediately assigned quarters in general population. On March 24, 2000, inmate Stevens was placed into the Special Housing Unit (SHU) on disciplinary segregation status. Inmate Stevens has been housed in the Special Housing unit from March 24, 2000, until his transfer to USP Lewisburg on October 19, 2000.

A review of inmate Stevens' medical record reveals that on August 15, 2000, at approximately 6:30 a.m., inmate Stevens was seen by R. Skerda, RPH, requesting Motrin for a headache. Inmate Stevens was provided a refill. (Inmate Stevens never mentioned that he had allegedly sustained a fall from his bunk steps at 6:00 a.m.).

On August 16, 2000, at approximately 7:30 a.m., inmate Stevens reported to PA J. DeSanto that he slipped and fell when he was trying to climb down the ladder from the third bunk in the Special Housing Unit the previous day. The Inmate Injury Assessment and Followup report notes that inmate Stevens' right foot showed swelling and tenderness with decreased range of motion secondary to the pain. A radiograph was taken and it showed a probable fracture. PA DeSantos wrapped inmate Stevens' foot with an ACE bandage, he recommended applying ice for 20 minutes/off 40 minutes, keeping his foot elevated and continue Motrin for pain.

OCT-11-01 THU 07:43 AM ALLENWOOD LEGAL SERVICES FAX NO. 17175478458

P. 04

Administrative Tort Claim  
TRT-NER-2001-02960  
STEVENS, Jason  
Reg. No. 10182-036  
Page 2

On August 17, 2000, radiographs were taken to the Orthopaedic Surgeon for further review. The Orthopaedic Surgeon recommended inmate Stevens' foot be placed in a splint and that he be scheduled for a follow-up with the consultant Orthopaedist on the next clinic.

On September 19, 2000, inmate Stevens was re-evaluated by the Orthopaedic Surgeon. The surgeon's impression was that inmate Stevens had a slightly comminuted fracture at the base of his fifth metatarsal which remained in good position. Inmate Stevens was neurologically intact and the range of motion of the ankle was normal. His treatment recommendations were to remove the wooden shoe and to replace it with a Swedo brace. The surgeon encouraged inmate Stevens to continue his ambulation.

In view of the foregoing, it is recommended that this administrative tort claim be denied. This recommendation is based upon the evidence which has failed to reveal the existence of any staff negligence. Specifically, the ladder attached in the Special Housing Unit (AD 202) where inmate Stevens allegedly fell was inspected and found to be adequate. This ladder is the same type used throughout the housing unit. A review of inmate Stevens' medical record has revealed that he received appropriate medical care commensurate with community standards including an evaluation by an Orthopaedic Surgeon while he was incarcerated at USP Allenwood. Additionally, there is no evidence to prove that inmate Stevens actually fell from the ladder and injured his foot, nor has inmate Stevens provided any such evidence. In fact, inmate Stevens was seen by a PA approximately 30 minutes after the alleged incident, yet he failed to mention it to the PA. Since there is no evidence to prove staff were negligent, this claim should be denied. Should you have any questions concerning this matter, please feel free to contact Michelle Mertz, Legal Assistant, at (570) 547-1990, ext. 4119.

## **EXHIBIT - 4**

OCT-11-01 THU 07:42 AM ALLENWOOD LEGAL SERVICES FAX NO. 17175476458



UNITED STATES GOVERNMENT

# Memorandum

Northeast Regional Office, Philadelphia, PA  
FEDERAL BUREAU OF PRISONS7:42 AM 10/29/01  
ALLENWOOD IN

DATE: March 26, 2001

REPLY TO

ATTN OF: Henry J. Sadowski, Regional Counsel

SUBJECT: Your Administrative Tort Claim, No. TRT-NER-2001-02960

TO: Jason Travis Stevens, Reg. No. 10182-036

Your Administrative Tort Claim No. TRT-NER-2001-02960, dated September 26, 2000, and properly received in this office on October 5, 2000, has been considered for settlement as provided by the Federal Tort Claims Act, 28 U.S.C. § 2672, under authority delegated to me by 28 C.F.R. § 543.30. You seek compensatory damages in the amount of \$5,000.00 for an alleged personal injury. Specifically, you claim that on August 15, 2000, while you were housed in the Special Housing Unit (SHU) at the United States Penitentiary (USP), Allenwood, Pennsylvania, you fell off of a ladder when you were attempting to climb down from your bunk, causing injury to your legs, back and neck.

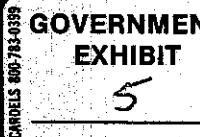
After careful review of this claim, I have decided not to offer settlement. Our investigation reveals that on August 16, 2000, at 7:30 a.m., you reported that you had slipped and fallen from your bunk on the previous day. The ladder from which you alleged to have fallen was inspected and found to be adequate. Further, this is the same type of ladder which is used throughout the housing unit. A review of your medical record indicates that you received prompt medical treatment, consistent with community standards. Additionally, there is no evidence to substantiate your claim that your alleged injury was a result from you falling from the ladder. You failed to notify any staff of the alleged incident until the next day, even though you were seen by medical staff on the day of the alleged incident. You fail to show that you have actually suffered a compensable injury. There is no evidence of negligence on behalf of any Bureau of Prisons' employee regarding the subject of your claim.

Accordingly, your claim is denied. If you are dissatisfied with this decision, you may seek reconsideration from this office or bring an action against the United States in an appropriate United States District Court within six (6) months of this memorandum.

cc: John Cooper, United States Marshal Service, Maine  
Jake Mendez, Warden, USP Allenwood

# **EXHIBIT - 5**

OCT-11-01 THU 07:44 AM ALLENWOOD LEGAL SERVICES FAX NO. 17175476458

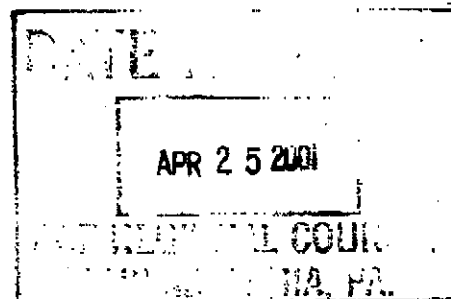


4-22-01

Jason Stevens #10182-036  
Box A

Thomaston, Me 04861

Mr. Henry G. Sadowski  
Northern Regional Office  
Philadelphia, PA



Tort Claim: TRT-NER-2001-02960

Dear Mr. Sadowski,

I am writing this letter for a couple of reasons in hopes that it will be possible to resolve some issues I have.

First, I am requesting reconsideration on my claim. Some of the facts in your letter to me are inaccurate.

On August 15, 2000 I told the nurse on her rounds that I thought I sprained my foot. She said nothing could be done until the next day anyway for two reasons: (1) X-Rays (2) let the swelling go down. The only injury I claimed was to my right foot. There were two fractures. An accident report was made out by the nurse on 8/16 and the injuries were documented by medical A.S.A.P. I can

not be held accountable to when the medical does things. Medical records show a 'compensable injury' ie broken bones for which I was treated. The ladders are 3 bunks high. I attached drawings on how we must climb backwards to get off the third bunk. The 1st and 4th rungs of the ladder are so close to the angle-iron of the top and middle bed you can not get a hand or toe hold. Look at these yourself or have the prison send you a close up photo of the ladder and those two rungs specifically.

For those reasons I ask reconsideration.

As to my second issue, I was locked up in Feb. 2000 for drinking. Once I was locked-up info was gained by inmates that I had been cooperating in numerous S.I.S. investigations. An officer was found to be stealing etc... I had witnessed an attempted murder and was asked to testify and/or make a statement. S.I.S. Feeney told me that he did not want to release me back into general population for my own safety from inmates + staff. He said that Washington DC had asked about my credibility and he said it was good.

U.S. Federal Judge George Z. Singal issued an inquiry concerning the conditions of my confine-

ment. In May 2000 the judge was told that S.I.S. was fully aware of my situation and that I would not be at USP Allenwood but a few more days. As of October I was still there when a writ was issued for me to come to Maine.

One of my biggest complaints and concerns was that I was constantly being housed with inmates from or going to the general population but yet I was being transferred for my protection. I did not want to be housed with non-whites because of the Latin King incident with the attempted murder.

Feeney said he was trying to get me to FCI Allenwood.

Just prior to coming to Maine I drafted and prepared an extensive §1331 action in regards to the blatant disregard for my safety at USP Allenwood, and the conditions of my confinement. I had attached to the complaint a copy of the letter of U.S. Judge Sengala inquiry and the response of prison officials acknowledging my situation and saying I would not be there long.

I would like to resolve this problem prior to returning to USP Allenwood. I would



like assurance that I will be housed in a single-cell. Double-cell at most and only with another protective custody inmate. And never with an inmate coming from or going/returning to general population, and not with any non-white inmates.

Last, I ask that the warden post such a notice in the SHU so that upon my return I will be housed accordingly.

It is possible I may have already been redesignated I do not know.

I would very much appreciate a reply concerning the second issue of my housing as soon as possible, and have the Marshal give it to me or they move me around.

If I can get some assurance, I will not file the § 1331. I'm just trying to resolve this matter.

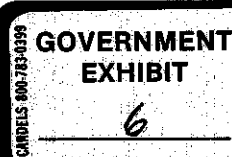
Very truly yours,

Jason Travis Stevens

# **EXHIBIT - 6**

OCT-11-01 THU 07:44 AM ALLENWOOD LEGAL SERVICES

FAX NO. 17175476458



U.S. Department of Justice

Federal Bureau of Prisons

Northeast Regional Office

U.S. Custom House  
2nd & Chestnut Streets - 7<sup>th</sup> Floor  
Philadelphia, PA 19106

May 5, 2001

Jason Travis Stevens  
Federal Reg. No. 08495-085  
Maine State Prison  
Box A  
Thomaston, ME 04861

Re: Administrative Tort Claim Dated September 26, 2000  
Tort Claim No. TRT-NER-2001-02950

Dear Mr. Stevens:

This will acknowledge receipt on April 25, 2001, of your request for reconsideration of the denial of your tort claim. In addition, the subject of your transfer and designation is not a matter that will be addressed as part of the Federal Tort Claim Act.

Under the provisions of the Federal Tort Claims Act, 28 CFR 14.9(b), we have six months from the date of receipt to make a final disposition of your claim. Accordingly, you may expect to hear from us on or before October 22, 2001.

All correspondence regarding this reconsideration should be addressed to me at: Federal Bureau of Prisons, Northeast Regional Office, Room 701, U.S. Custom House, 2nd & Chestnut Street, Philadelphia, Pennsylvania 19106. If the circumstances surrounding this claim change in any fashion, you should contact me immediately. Also, should your address change, you should advise me accordingly.

Sincerely,

Henry J. Sadowski  
Regional Counsel

cc: Warden Mendez, USP Allenwood w/enclosures

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

JASON TRAVIS STEVENS,	:	
Plaintiff	:	Civil No. 1:CV-01-0907
	:	
v.	:	(Judge Kane)
	:	
KATHLEEN M. HAWK-SAWYER, <u>et al.</u> ,	:	
Defendants	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

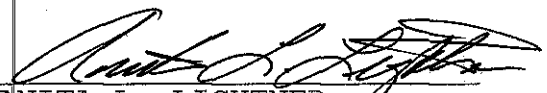
That this 29<sup>th</sup> day of October, 2001, she served a copy of the attached

**EXHIBITS TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS**

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

ADDRESSEE:

Jason Travis Stevens  
Reg. No. 10182-036  
USP Allenwood  
P.O. Box 3000  
White Deer, PA 17887

  
ANITA L. LIGHTNER  
Paralegal Specialist